IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.40248 of 2008

1. Tafezul
2. Raisuddi
3. Najrul
   All sons of late Ekram
4. Leyaquat son of Moquibul
   All resident of Karigaon, P.S. Pothia, District- Kishanganj.

…….. Petitioner.

Versus

The State of Bihar …… Opp.Party.

2/ 01-10-2008 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners are accused for offence punishable under sections 498A/34 of the Penal Code.

Learned counsel for the petitioners submits that petitioners no.1, 2 and 3 are the brothers-in-law of the informant and petitioner no.4 is an outsider, whereas the husband of the informant has already surrendered and is in custody.

WEB COPY NOT OFFICIAL

However, the petitioners had earlier filed Cr.Misc.No. 35416 of 2005 for anticipatory bail which was dismissed by this Court vide order dated 16.02.2005 (Annexure-3).

Considering the facts and circumstances of the case, this petition is disposed of with a direction to the learned Chief Judicial Magistrate, Kishanganj that if the petitioners surrender and file petition for regular bail in Pothia P.S.Case no. 128 of 2004, within one month, the learned court below shall consider and decide the said petition on the same day keeping in view the fact that the main accused, namely, husband of the informant, Asiruddin, has already surrendered.

Let this order be communicated to the learned court below

through fax if the cost of the same is deposited by learned counsel for the petitioners, today.

B.Tiwary/ **(S.N Hussain,J)**

WEB COPY NOT OFFICIAL